

## REMARKS

Claims 1 through 26 remain in this application for active consideration.

In the outstanding official action, claims 6, 12 and 24 were rejected under 35 U.S.C. § 112, second paragraph, claims 13, 15 through 17 and 19 through 21 were rejected under 35 U.S.C. § 102(b) as being anticipated by US 5,798,086 to Erickson (Erickson '086) and claims 22 through 24 were rejected under 35 U.S.C. § 102(b) as being anticipated by US 3,045,989 to Kittel (Kittel '989). On the other hand, claims 1 through 5 and 7 through 11 were allowed and claims 14 and 18 were objected to solely on the basis that the same were dependent upon a rejected base claim. Applicant respectfully traverses the stated rejections and objections and submits that claims 1 through 26 as presented above comply fully with the rules and regulations of the United States Patent and Trademark Office and the requirements of 35 U.S.C. § 112, and that the same are patentable over the cited prior art references.

Regarding the rejection of claims 13, 15 through 17 and 19 through 21 as being anticipated by Erickson '086, it is submitted that this reference is relevant only because it includes the baffles 62 (see Figs. 6 and 7) which the examiner believes will impede liquid from jumping over the center downcomer 68. However, claims 13, 17 and 21 have been amended to recite that the baffles are positioned above said return contact tray in vertically spaced relationship to the latter. No such construction is disclosed or suggested by Erickson '086, either explicitly or inherently, and it is therefore submitted that claims 13, 17 and 21 as amended above clearly define structure which is patentably distinguishable from the Erickson '086 structure. Claims 15, 16, 19 and 20 are dependent claims which depend either directly or indirectly from claim 13, claim 15 or claim 17. Accordingly, these dependent claims define patentably over Erickson '086 for the same reasons discussed above in connection with the parent claims.

With regard to the rejection of claims 22 through 24 as being anticipated by Kittel '989, it is respectfully submitted that this reference is relevant solely because of the presence in the disclosed structure of the baffle area 28 (see Fig. 1), which the examiner equates to a support ring. However, it is applicant's position that the baffle area 28 is not a support ring and that in fact, support for the trays is not even discussed in the Kittel '989 reference. Accordingly, it is strongly submitted that the stated anticipation rejection is not supported by the record and should therefore be reconsidered by the examiner and withdrawn.

With regard to the rejection of claims 6, 12 and 24 under 35 U.S.C. § 112, it is submitted that these claims have been amended above in a manner to obviate this rejection.

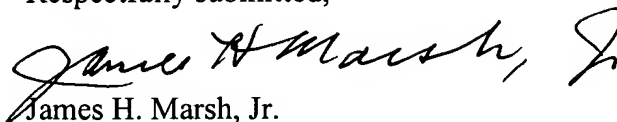
New independent claims 25 and 26 are respectively directed to essentially the same subject matter as original dependent claims 14 and 18 which were objected to solely on the basis that the same were dependent upon rejected base claims. Accordingly, it is submitted that new claims 25 and 26 are patentable over the art of record and are now in condition for allowance.

As filed this application included 24 claims total and 9 independent claims. As amended above, the application now includes 26 claims total and 11 independent claims. Accordingly, it is believed that an additional filing fee in the amount of \$500.00 is required at this time and this firm's check in that amount is enclosed.

In view of the foregoing amendments and remarks, it is respectfully submitted that the claims remaining for active consideration in this application define patentably over the cited reference and comply fully with all of the formal requirements of the patent statutes and rules and regulations of the Office. Accordingly, favorable action at an early date will be appreciated. If the examiner is of the view that any issue remains unresolved, it is respectfully

suggested that applicants' undersigned attorney may be contacted at the telephone number set forth below.

Respectfully submitted,

A handwritten signature in cursive script, reading "James H. Marsh, Jr.", with a stylized flourish at the end.

James H. Marsh, Jr.

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